

Message Text

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ACTION AF-04

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TO SECSTATE WASHDC FLASH 0974

INFO AMEMBASSY DAR ES SALAAM IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 2 NAIROBI 11233

LIMDIS

FROM MOOSE

E.O. 11652: GDS

TAGS: PDEV, US, UK, RH, TZ

SUBJECT: STATEMENT ON LAW AND ORDER

REF: NAIROBI 11187 (NOTAL)

1. THERE FOLLOWS THE REVISED TEXT OF THE UK DRAFT STATEMENT ON LAW AND ORDER. ALL OF THE CHANGES INCORPORATED HAVE BEEN AGREED UPON WITH DAVID OWEN.

2. BEGIN TEXT: STATEMENT ON LAW AND ORDER

(1) THE BRITISH GOVERNMENT, WITH THE FULL AGREEMENT OF THE UNITED STATES HAVE PUBLISHED TODAY THE WHITE PAPER: RHODESIA, PROPOSALS FOR A SETTLEMENT. THE WHITE PAPER IS PRESENTED IN THE BELIEF THAT IT COULD PROVIDE THE BASIS FOR NEGOTIATIONS FOR A CEASEFIRE AND FOR AN INTERNATIONALLY ACCEPTABLE SETTLEMENT WHICH IS IN THE BEST INTEREST OF ALL RHODESIANS.

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(2) AS A RESULT OF CONSULTATIONS ON THE WHITE PAPER IN LONDON AND IN WASHINGTON, AND NOW HERE IN AFRICA, BY MYSELF AND AMBASSADOR YOUNG IT IS CLEAR THAT THE CRUCIAL ISSUE NOW IS LAW AND ORDER DURING THE TRANSITIONAL PERIOD AND DURING INDEPENDENCE.

(3) IT IS A FUNDAMENTAL PRINCIPLE AND GENERALLY AGREED BY THE PARTIES THAT ON INDEPENDENCE DAY THE

INDEPENDENT GOVERNMENT OF ZIMBABWE SHOULD HAVE UNDER ITS COMMAND ONE UNIFIED ARMY LOYAL TO THE PEOPLE OF ZIMBABWE AND THEIR DULY ELECTED GOVERNMENT. ON THIS PRINCIPLE THERE CAN BE NO COMPROMISE.

OBJECTIVES:

(4) OUR OBJECTIVES MUST THERE BE:

(A) TO ORGANIZE THE MAINTENANCE OF LAW AND ORDER DURING THE TRANSITION PERIOD, AND

(B) TO CREATE THE SINGLE ARMY OF ZIMBABWE.

BASIC PROPOSALS:

(5) IN THE WHITE PAPER IT IS STATED IN PARAGRAPH 11, SUBPARAGRAPH (D), THAT PRIMARY RESPONSIBILITY FOR THE MAINTENANCE OF LAW AND ORDER DURING THE TRANSITION PERIOD WILL LIE WITH THE POLICE FORCE. THIS WILL BE UNDER THE COMMAND OF A NEW COMMISSIONER OF POLICE APPOINTED BY, AND RESPONSIBLE TO, THE RESIDENT COMMISSIONER. IT IS ALSO ENVISAGED THAT THE SPECIAL REPRESENTATIVE OF THE SECRETARY GENERAL OF THE UNITED NATIONS MAY APPOINT LIAISON OFFICERS TO THE POLICE FORCES.

(6) IT IS ALSO STATED IN THE WHITE PAPER, IN PARAGRAPH 11, SUBPARAGRAPH (C), THAT THE ROLE OF THE UN ZIMBABWE FORCE MAY INCLUDE:

- I. THE SUPERVISION OF THE CEASEFIRE;
- II. SUPPORT FOR THE CIVIL POWER;
- III. LIASON WITH THE EXISITNG RHODESIAN ARMED FORCES AND WITH THE FORCES OF THE

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LIBERATION ARMIES.

IMPLEMENTATION:

(7) IN THE WHITE PAPER, PARAGRAPH 11, SUBPARAGRAPH (C) IT IS STATED THAT THE SECRETARY GENERAL OF THE UNITED NATIONS WILL BE INVITED TO APPOINT A REPRESENTATIVE TO ENTER INTO DISCUSSIONS, BEFORE THE TRANSITION PERIOD, WITH THE BRITISH RESIDENT COMMISSIONER DESIGNATE, AND WITH ALL THE PARTIES WITH A VIEW TO ESTABLISHING IN DETAIL THE RESPECTIVE ROLES OF ALL THE FORCES IN RHODESIA. IN THE NEGOTIATIONS IT MUST BE ACCEPTED BY THE PARTIES AND BY THE MILITARY COMMANDERS SUBORDINATE TO THEM THAT THE OBJECTIVE IS A GENERAL CEASEFIRE WHICH WILL TAKE EFFECT AT THE BEGINNING OF TRANSFER DAY, I.E., WHEN THE RESIDENT COMMISSIONER ASSUMES OFFICE. ALL THE MILITARY UNITS WHETHER OF THE RHODESIAN DEFENCE FORCES OR OF THE LIBERATION FORCES WHICH ARE OPERATING INSIDE RHODESIA, OR WHICH IT IS AGREED MAY ENTER RHODESIA AFTER THE CEASEFIRE, WILL COME UNDER THE COMMAND OF THE RESIDENT COMMISSIONER.

(8) AS SOON AS HE TAKES OFFICE, THE RESIDNET COMMISSIONER WILL APPOINT NEW OFFICERS TO ANY KEY POSTS IN THE

RHODESIAN ARMY AND THE RHODESIAN AIR FORCE WHICH ARE
THOUGHT TO BE APPROPRIATE AS WELL AS THE NEW COMMISSIONER
OF POLICE. HE WILL GIVE INSTRUCTIONS FOR THE DISBANDMENT
OF CERTAIN UNITS SUCH AS THE SELOUS SCOUTS. IN ADDITION
URGENT STEPS WILL BE TAKEN TO ARRANGE FOR THE DISCHARGE
OF THESE NON-RHODESIANS WHO HAVE ENTERED RHODESIA IN
ORDER TO JOIN THE RHODESIAN DEFENCE FORCES.

(9) IT IS ENVISAGED THAT THE ZIMBABWE FORCE WILL
ATTACH ELEMENTS TO THE UNITS BOTH OF THE RHODESIAN
DEFENCE FORCES AND OF THE LIBERATION FORCES OPERATING
INSIDE RHODESIA TO SUPERVISE THE CEASEFIRE.

THE ROLE OF THE VARIOUS FORCES:

(10) AS STATED ABOVE, THE PRIMARY DUTY TO DEAL WITH
ANY CIVIL DISTURBANCE WILL REST WITH THE POLICE.

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SHOULD ANY SITUATION GET OUT OF HAND OR APPEAR TO BE
BEYOND THEIR POWER TO CONTROL, THE RESIDENT COMMISSIONER
IN CONSULTATION WITH THE COMMISSIONER OF POLICE, THE
UN SPECIAL REPRESENTATIVE, AND OTHERS AS APPROPRIATE,
WILL, THROUGH THE UN SPECIAL REPRESENTATIVE, CALL
IN THE FIRST INSTANCE UPON THE UN ZIMBABWE FORCE TO
SUPPORT THE POLICE FORCE IN THE MAINTENANCE OF LAW
AND ORDER.

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C O N F I D E N T I A L SECTION 2 OF 2 NAIROBI 11233

LIMDIS

FROM MOOSE

(11) SHOULD THERE BE UNITS EITHER OF THE RHODESIAN DEFENCE FORCES OR OF THE LIBERATION FORCES WHICH FAIL TO OBSERVE THE CEASEFIRE OR WHICH REJECT THE LAWFUL COMMANDS OF THE RESIDENT COMMISSIONER, HE WILL CONSULT WITH THE UN SPECIAL REPRESENTATIVE. HE WILL LOOK TO THE UN ZIMBABWE FORCE IN THE FIRST INSTANCE AND WILL THEREAFTER CALL UPON SUCH FORCES AS HE CONSIDERS NECESSARY.

(12) IN BOTH THE CIRCUMSTANCES DESCRIBED IN THE TWO PRECEDING PARAGRAPHS, THE RESIDENT COMMISSIONER WILL RETAIN THE RIGHT TO CALL ON ANY OF THE FORCES UNDER HIS COMMAND IN THE EXERCISE OF HIS ULTIMATE RESPONSIBILITY FOR THE MAINTENANCE OF SECURITY AND LAW AND ORDER.

ZIMBABWE NATIONAL ARMY:

(13) WITH A VIEW TO CREATING ONE UNIFIED ARMY LOYAL TO THE PEOPLE AND GOVERNMENT OF ZIMBABWE, IT IS STATED IN THE WHITE PAPER, AT PARAGRAPH 11, SUBPARAGRAPH (E), THAT LEGAL PROVISION WILL BE MADE FOR THE FORMATION
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OF A NEW BODY TO BE CALLED THE ZIMBABWE NATIONAL ARMY. THE COMPOSITION AND STRUCTURE OF THE ZIMBABWE NATIONAL ARMY MUST REFLECT THE AUTHORITY OF THE ZIMBABWE GOVERNMENT, STEMMING FROM AN ELECTION HELD ON THE BASIS OF UNIVERSAL SUFFRAGE WITH AN ELECTORATE OF SOME 3.0 MILLION VOTERS, IN CONTRAST TO THE EXISTING SITUATION. ENROLLMENT IN THIS BODY WILL BE OPEN TO ALL CITIZENS BUT IT WILL BE BASED ON THE LIBERATION FORCES. IT WILL ALSO INCLUDE ACCEPTABLE ELEMENTS OF THE RHODESIAN DEFENCE FORCES.

(14) THE STRUCTURE, COMPOSITION, RECRUITMENT AND TRAINING OF THE ZIMBABWE NATIONAL ARMY WILL BE SUBJECT TO THE NEGOTIATIONS ENVISAGED IN PARAGRAPH 11, SUBPARAGRAPH (C). THE AGREED RESULTS OF THE NEGOTIATIONS ON THE CEASEFIRE, TRANSITION PERIOD AND ZIMBABWE NATIONAL ARMY WILL BE BROUGHT BEFORE THE SECURITY COUNCIL OF THE UNITED NATIONS BY THE BRITISH GOVERNMENT TO SECURE THE NECESSARY MANDATE FOR THE ESTABLISHMENT OF THE UN ZIMBABWE FORCE.

(15) ENDORSEMENT BY THE SECURITY COUNCIL WILL GIVE THE AGREEMENTS REACHED THE AUTHORITY OF THE INTERNATIONAL COMMUNITY. THE SECURITY COUNCIL WILL BE INVITED TO INCLUDE IN THE MANDATE OF THE UN ZIMBABWE FORCE PROVISION FOR THE FORCE TO REMAIN FOR AN AGREED

PERIOD FOLLOWING INDEPENDENCE WITH THE CONSENT OF
THE NEW PRESIDENT OF ZIMBABWE. FOLLOWING THE ELECTIONS
AND PRIOR TO INDEPENDENCE THE PRESIDENT-ELECT WILL
MAKE THE DECISIONS ON THE FINAL STRUCTURE AND
COMPOSITION OF THE ZIMBABWE NATIONAL ARMY. THE BRITISH
GOVERNMENT WILL NOT ENACT, AND THE BRITISH PARLIAMENT
WILL NOT APPROVE, THE TRANSITIONAL CONSTITUTION WHICH
IS NECESSARY FOR THE FORMAL APPOINTMENT OF THE RESIDENT
COMMISSIONER, NOR WILL THERE BE A RETURN TO LEGALITY
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IN RHODESIA THROUGH THE TRANSITIONAL CONSTITUTION,
UNLESS THEY ARE BOTH SATISFIED NOT ONLY THAT THERE WILL
BE AN EFFECTIVE CEASEFIRE BUT THAT THE OUTCOME OF
THE NEGOTIATIONS ON THE MATTERS DESCRIBED ABOVE IS
ACCEPTABLE TO THE PEOPLE OF RHODESIA AS A WHOLE AND
WILL PROVIDE A CLIMATE IN WHICH FREE AND FAIR ELECTIONS
CAN BE HELD AND A STABLE INDEPENDENT GOVERNMENT OF
ZIMBABWE CAN BE FORMED WITHIN SIX MONTHS FROM THE
RETURN OF LEGALITY.

(16) THE BRITISH AND U.S. GOVERNMENTS, WHILE NOT
UNDERESTIMATING THE INTENSE DIFFICULTIES THAT STILL
NEED TO BE FACED, BELIEVE THAT IT IS POSSIBLE TO ACHIEVE
AN INTERNATIONALLY ACCEPTABLE NEGOTIATED SETTLEMENT
ON THE BASIS OF THIS WHITE PAPER AND INTEND TO GO
FORWARD ON THIS BASIS. END TEXT.

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